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Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General**

I. Introduction

1. The General Assembly, in its resolution 54/162 entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities",[1] inter alia, called upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities; requested the United Nations High Commissioner for Human Rights to continue efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours; called upon the High Commissioner to resume inter-agency consultations with United Nations programmes and agencies on minority issues and urged those programmes and agencies to contribute actively to this process; called upon the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights to implement further its mandate with the involvement of a wide range of participants; invited the High Commissioner to seek voluntary contributions to facilitate the effective participation of non-governmental organizations and persons belonging to minorities, in particular those from developing countries; and requested the Secretary-General to report on the implementation of resolution 54/162, including on good practices in the fields of education and the effective participation of minorities in decision-making processes. The present report is submitted in compliance with the aforementioned request.

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, this report is being submitted on 1 August 2001 so as to include as much updated information as possible.

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II. Expertise on minority issues to be made available to Governments at their request, including on conflict prevention and the resolution of disputes

2. In the preamble to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, it is stated that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of States in which they live. Moreover, the Secretary-General, in presenting his millennium report (A/54/2000), stressed the urgency of protecting minority rights and establishing more effective and long-term responses to conflict prevention. He said we must do more to prevent conflicts from happening at all. Most conflicts occur in poor countries, especially those that are badly governed or where power and wealth are very unfairly distributed between ethnic or religious groups. Therefore, the best way to prevent conflict is to promote political arrangements in which all groups are fairly represented, combined with human rights, minority rights and broad-based economic development. Subsequently, the General Assembly, in paragraph 25 of the United Nations Millennium Declaration (General Assembly resolution 55/2), resolved to strengthen the capacity of all countries to implement the principles and practices of democracy and respect for human rights, including minority rights.

3. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has been developing a regional or subregional approach to supporting national efforts for the promotion and protection of human rights. Such an initiative has been designed to draw on the expertise and best practices of countries in comparable situations. Regional meetings organized in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa, have also highlighted the special concerns regarding minority and non-discrimination issues which affect particular regions. The reports of these meetings underscore international concern about preventing ethnic conflict. The need for activities to protect the rights of persons belonging to specific minorities and communities, such as the Roma, Sinti and Traveller communities in Europe, has also been recognized.

4. Moreover, the Working Group on Minorities, at its most recent session in May 2001, proposed a regional approach to standard-setting for the protection of the rights of minorities and to institutional building for conflict prevention and resolution. Thus, it encouraged regional organizations to explore the possibility of establishing institutions and mandates to deal with minority issues, such as the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe and the Framework Convention for the Protection of National Minorities of the Council of Europe. Additionally, the Working Group recommended that Governments consider providing the names of experts on minority issues in their country, with a view to facilitating their participation in regional and international meetings and in the provision of advisory services.

III. Cooperation and coordination among United Nations programmes and agencies, including relevant regional organizations

5. Minority rights are receiving more attention from the United Nations and regional organizations. With a view to creating more coherent approaches to dealing with such rights, OHCHR has organized regional seminars with the participation of representatives of minorities, United Nations agencies and experts from other international and regional organizations. For example, the first regional seminar on multiculturalism in Africa, held in Arusha, United Republic of Tanzania, in May 2000, was convened in cooperation with the International Criminal Tribunal for Rwanda and the second regional workshop on the matter was held in Kidal, Mali, in January 2001 with the support of the country office of the United Nations Development Programme (UNDP). Representatives of the African Commission on Human and Peoples' Rights also took part in that meeting. Following on from such initiatives, the Working Group on Minorities and the African Commission on Human and Peoples' Rights have called for support to improve and continue their cooperation, including by jointly studying the relationship between minorities and indigenous populations within the African region.

6. On the recommendation of the Working Group and the Commission on Human Rights, OHCHR is preparing a publication on the utilization of international and regional human rights procedures by minorities with contributions from international and regional mechanisms and experts. Leaflets have been prepared on ways to utilize such mechanisms as the Working Group, the United Nations treaty bodies, the Charter-based bodies, the African Charter on Human and Peoples' Rights and the Commission on Human and Peoples' Rights, the European Court of Human Rights and the European Commission of Human Rights, the Inter-American human rights system, the Framework Convention for the Protection of National Minorities of the Council of Europe, and the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Pamphlets containing the text of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as the commentary on the Declaration provided by the Chairperson-Rapporteur of the Working Group, are also being prepared. The publication is to be ready for the World Conference.

7. The Office of the United Nations High Commissioner for Human Rights is also implementing the recommendations of the Working Group to publish new OHCHR web pages on minority issues. In order to promote awareness of the activities of different intergovernmental organizations, links will be made to the web sites of agencies such as the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, UNHCR, UNDP and the United Nations University World Institute for Development Economics Research.

8. To facilitate further dialogue between the Working Group, United Nations agencies, regional organizations, treaty bodies and national institutions, the High Commissioner is planning to organize an international seminar on international cooperation for the better protection of the rights of minorities, as called for under Commission on Human Rights resolution 2000/52 and Economic and Social Council decision 2000/269, in which OHCHR was invited to consider favourably the recommendation of the Working Group to organize a seminar for representatives of international and regional organizations, treaty bodies and specialized agencies, inter alia, to discuss issues concerning their respective work on the protection of minorities. The two-day seminar is scheduled to be held during the World Conference.

IV. Participation of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in the Working Group on Minorities

9. The Office of the High Commissioner for Human Rights has taken action to implement the recommendations of the General Assembly and the Commission on Human Rights calling for greater participation of minority representatives in sessions of the Working Group on Minorities and for voluntary contributions to be made in that regard. Funds were received to cover the participation of 14 minority representatives from different countries of Asia, Latin America, Africa and Eastern Europe in the seventh session of the Working Group. The Working Group has proposed the establishment of a voluntary trust fund to assist representatives of minorities and governmental experts from developing countries to participate in various meetings on minority issues.

10. To facilitate the participation of minority representatives from developing countries in activities related to the Working Group and in broadening the Working Group's awareness of minority issues within different regions, two regional seminars were held in Africa. At the Arusha seminar the participants adopted various conclusions and recommendations. For example, the concepts of indigenous peoples and minorities were discussed. It was felt that the terms were useful in Africa, in particular since they were based on the principle of self-identification. They were acknowledged to be complex and misunderstood in the region, often being seen as threatening the integrity of States. It was suggested that indigenous peoples and minorities could be understood to be peoples with specific identities, histories and cultures. Such peoples could be characterized as non-dominant, vulnerable and disadvantaged.

11. Regarding some of the other recommendations made, the participants stressed the importance of ensuring that indigenous peoples and minorities had equal access to education, health and other basic services. It was suggested that educational and health services should be sensitive to the needs and cultures of the peoples concerned and that particular attention should be paid to assisting all indigenous peoples and minorities in Africa to combat HIV/AIDS. The participants also recommended that minorities be consulted when development policies were being formulated and implemented and that communities share in the benefits of development. A further recommendation called for indigenous peoples and minorities to have equal access to political structures, processes and public institutions.

12. A follow-up workshop on multiculturalism in Africa was held in Kidal, Mali, from 8 to 13 January 2001, at the conclusion of which the participants adopted a declaration containing recommendations, which they chose to call the Kidal Declaration on Indigenous Peoples and Minorities in Africa (E/CN.4/Sub.2/AC.5/2001/3, para. 61). In the declaration the participants recognized the complexity of the concepts of indigenous peoples and minorities in Africa and encouraged further dialogue among the different peoples of the continent on this issue. They also requested that particular action be taken by various entities. For example, recommendations addressed to African Governments dealt with the need to recognize the cultural identity and existence of indigenous peoples and minority groups in Africa and to combat the marginalization of indigenous peoples and minorities in the areas of education, health and development. With respect to developmental matters, the participants recommended that Governments recognize the need to build culturally appropriate development programmes in cooperation with indigenous peoples and minorities as a means of promoting their integration and ensuring peace and stability in the region. The recommendations also reflected the views of the participants that indigenous peoples and minorities were often the victims of conflict. In that regard, Governments were asked not only to support research on the causes of inter-ethnic conflict and the promotion of dialogue between indigenous peoples, minorities and Governments but also to support the role of women in peace-building initiatives as well as the building of partnerships between traditional elders and governmental authorities at the local and national levels. One of the recommendations directed to the African Commission on Human and Peoples' Rights was that consideration be given to the establishment of a regional working group on minorities. Several of the requests directed to OHCHR included the need to organize further workshops and seminars on multiculturalism, indigenous peoples and minorities in other subregions of Africa and to strengthen its ties with the African Commission on Human and Peoples' Rights on questions relating to indigenous peoples and minorities. Other recommendations included an appeal to non-governmental organizations, indigenous peoples and minorities; to organize workshops and seminars to promote and protect the rights of indigenous peoples and minorities with a view to raising awareness and disseminating information about their situations and to participate in local, national, regional and international processes concerning indigenous peoples and minorities.

V. Good practices in the fields of education and the effective participation of minorities in decision-making processes

13. In addition, to the aforementioned regional seminars held in Africa, the Working Group on Minorities supported two international seminars held in 1999 on the themes of education and participation.

14. Intercultural and multicultural education was the focus of a seminar held in Montreal, Canada, from 29 September to 2 October 1999. The participants in the seminar expressed the view that multicultural education met the separate educational needs of groups in society, while intercultural education aimed at developing educational policies and practices by which members of different cultures learned to interact constructively with each other. As such, intercultural education required that both the minority and majority communities learn about each other, their specific cultural characteristics, respective histories and the value of tolerance and pluralism. The participants were provided with details of different multicultural and intercultural curricula that had been developed. For example, reference was made to a common social studies curriculum formulated in Western Canada with the active involvement and contribution of

representatives of the anglophone majority and the francophone and aboriginal minorities.

15. A number of recommendations aimed at strengthening and enhancing multicultural and intercultural education were adopted at the seminar. They included the need to reflect in educational curricula the history and culture of all groups within society and the participation of all groups in educational policy and programmes. The participants also referred to the need to teach the mother tongue, recruit teachers from minority communities and integrate intercultural education into mainstream programmes in the initial and continuing education of teachers.

16. Other recommendations for fostering awareness of minority cultures and combating racial discrimination through education and training are contained in the report of the Secretary-General on this issue to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/PC.1/11). The report refers to the role of the educational system in fostering a learning environment of cultures and respect for diversity in society. This could be achieved, inter alia, by offering education in the histories and cultures of both the majority and minority communities. Details are provided on inter-cultural education developed in Italy, as well as the educational policies in Argentina, Bolivia, Brazil, Colombia and Paraguay, where greater attention has been given to cultural and linguistic diversity, particularly for children belonging to indigenous populations.

17. With respect to the issue of the participation of minorities in public life, the Working Group supported a seminar organized by the European Centre for Minority Issues, in Flensberg, Germany, from 30 April to 2 May 1999. Experts at the meeting offered various proposals on promoting the effective participation of minorities in public life and in decisions affecting them. The participants at the seminar also noted that a variety of mechanisms existed to promote the participation of minorities, including proportional representation, guaranteed minority seats, provisions for reducing the percentage of votes needed for minorities to form a political party, minority legislative veto and administrative, advisory and consultative bodies for minorities. Preference for a particular system would depend on the specific situation and circumstances affecting each minority. Additionally, it was suggested that States should take steps to ensure equal access to public sector employment across the various ethnic, linguistic, religious and cultural communities.

18. On the question of citizenship and electoral rights, the experts at the seminar suggested, on the one hand, that barriers to the acquisition of citizenship for members of minorities should be reduced and, on the other, that arrangements for the participation of non-citizens in public life should be developed. Other proposals referred to the need for decision makers at every level to consult and seek input from all those affected by their decisions and to look at the effects of the decentralization of power in improving the chances for minorities to exercise authority over matters affecting them. The participants also raised the matter of the provision for instruction in minority languages, as this was viewed as a precondition for political participation. Equally, States were requested by the expert participants to ensure that educational curricula reflected the culture of minorities and majorities and that minorities were involved in the development of educational curricula as well as in the formulation of educational policy.

19. The participation of persons belonging to minorities in public and political life was selected as the theme for focused discussion at the seventh session of the Working Group in May 2001. Particular attention was devoted to the question of integrative and autonomist approaches to minority protection. More than 15 papers were prepared for the discussion. Thus, there were papers covering the themes of integration, cultural autonomy and territorial democracy from a general as well as a regional and national perspective concerning situations in Africa, Asia and Eastern and Western Europe, including information on selected models of autonomy in the Russian Federation and Finland. Many of these papers are available on the OHCHR web site at http://www.unhchr.ch, including the Lund Recommendations on the Effective Participation of National Minorities in Public Life, adopted within the framework of the mandate of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe.

20. In the report of the Working Group on its seventh session (E/CN.4/Sub.2/2001/22), it is indicated that the debate on integration and autonomy had revealed the variety and complexity of the situations facing minorities in different parts of the world and that

minority issues were not simply a European concern. As such, the discussions had served not only to enhance a more global understanding of the situations of peoples and groups but also to underscore the need to be more creative in finding solutions to protect and promote the rights of groups and communities. During the general debate participants proposed that minority claims could also be addressed by means of integration. It was also proposed that measures for integration be applied to residential policy-making and to ensuring the fair representation of minorities in the workplace and the law enforcement system. The need to provide for the inclusion of all communities in the Government and in the allocation of positions on public bodies, as well as in ensuring a fair share of economic development, was noted. Moreover, attention was also drawn to the need to differentiate between cultural autonomy and territorial democracy, it being indicated that cultural autonomy effectively sought to protect a culturally defined, rather than a territorially defined, group, through the right to self-rule or self-management. Several participants spoke about the need for territorial decentralization to provide for the inclusion of all communities and groups and about the dangers of exclusion arising from ethnically based Governments.

21. Following this first debate on integration and autonomy, the Working Group recommended that there be further reflection on autonomist and integrative approaches to minority protection in multicultural societies, with a view to adopting a set of recommendations on these matters at the end of its eighth session, in May 2002. In preparation for this future debate, the Working Groups requested, inter alia, that its Chairperson-Rapporteur draft a paper identifying the effective and legitimate means which can be used by minorities to promote their rights and by Governments to maintain or restore human rights-based law and order. It was also decided that the Working Group, at its eighth session, in May 2002, would focus on the role of national development policies and international development cooperation in promoting and protecting the rights of minorities with a view to preparing recommendations for adoption at its ninth session in 2003.

VI. Conclusions

22. In conclusion, there is increasing awareness that the protection and promotion of the rights of minorities can lead to stable societies, often addressing those group inequalities, particularly in the social, economic, cultural and political fields, that can be a root cause of conflicts. Where certain issues to be addressed are global in character, the Working Group on Minorities has chosen to formulate future recommendations concerning ways and means of ensuring the effective participation of minorities in public life as well as ensuring the socio-economic development of minority communities. The Office of the United Nations High Commissioner for Human Rights and the Working Group have also shown significant interest in pursuing recommendations to create awareness of practices that exist regionally and nationally, and from which lessons may be learned, for promoting the effective implementation of the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. For example, the Working Group has, inter alia, encouraged regional organizations to explore the possibility of establishing or strengthening regional institutions and mandates for the protection and promotion of the rights of minorities. In addition, the Commission on Human Rights and the Economic and Social Council have requested OHCHR to facilitate the sharing of information and cooperation between such existing international mechanisms as the United Nations treaty bodies and regional human rights systems for the better protection of the rights of minorities.

Notes

[1] The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the General Assembly in its resolution 47/135 of 18 December 1992.